

EXECUTIVE COMMITTEE OF THE
HIGH COMMISSIONER'S PROGRAMME
70th MEETING, 7-11 OCTOBER 2019
HIGH LEVEL SEGMENT ON STATELESSNESS

NGO statement on agenda item 3: High-level segment on statelessness and general debate

Dear Chair,

This NGO statement was prepared in consultation with a variety of NGOs and stateless activists.

We commend UNHCR for its efforts to combat statelessness, and UNHCR and State support for related civil society initiatives.

We also commend States that have taken meaningful steps to combat statelessness: from Venezuelan children granted nationality in Colombia; legal reforms to uphold women's equal right to confer nationality on their children in Madagascar and Sierra Leone; Kyrgyzstan granting citizenship to the last known persons in the territory rendered stateless as a result of the dissolution of the Soviet Union; and the establishment of statelessness determination procedures in countries including Argentina, Brazil, Costa Rica, Ecuador, Kosovo, Panama, Paraguay, Turkey, and Uruguay.

At the same time, the threat of statelessness continues to grow, with children being born into statelessness and new risks of statelessness outpacing positive outcomes. **In the vast majority of cases, statelessness would have been eradicated if all States fully implemented their obligations under international law.**

Once denied the right to a nationality, the stateless face wide-ranging human rights violations, including the right to education, healthcare, employment, property, movement, participation, liberty and security of the person. Stateless persons endure family separation, increased risk of gender-based violence, and multigenerational poverty, exclusion and psychological trauma.

To achieve the SDGs and their aim to leave no one behind, we must, and can, achieve a world where statelessness is a thing of the past.

Today, we focus on eight key challenges:

1. 25 countries still have nationality laws that deny women the right to confer nationality on their children on an equal basis with men. Approximately 50 countries maintain laws that deny women equal rights with men to confer nationality on a non-national spouse or to acquire, change or retain their nationality.

We call on States to take immediate action to end gender discrimination in nationality laws and practice.

2. The majority of stateless people belong to racial, ethnic, religious, or other minority communities. The genocide and crimes against humanity inflicted on the Rohingya by Myanmar illustrate the most extreme and tragic consequences of minorities being made stateless. We strongly emphasize the responsibility of the international community to prevent genocide. The multigenerational statelessness faced by many Palestinians continues to not be met with the urgent action it deserves.

We call on States to take strong action to confront racism, discrimination and xenophobia to effectively address statelessness and the root causes of genocide itself.

3. Communities are increasingly denied documentation or required to prove their links to a state, despite having lived there as citizens for generations. In Assam, India, 1.9 million people have been effectively stripped of their nationality as a result of being excluded from the National Registry of Citizens. Meanwhile, the Dominican Republic is yet to rectify the arbitrary deprivation of nationality of Dominicans of Haitian origin.

States should not subject citizens or residents to arbitrary and discriminatory procedures that require them to prove their status.

4. An increasing number of States have expanded powers to deprive citizens of their nationality (purportedly) in response to national security threats. There is also a growing incidence of the instrumentalisation of nationality withdrawals to target political opponents and human rights defenders in violation of international law.

States should reassess laws, policies and practices which provide for the deprivation of nationality as a national security measure, to ensure compliance with the rights to nationality and non-discrimination and the duty to avoid statelessness.

5. The Convention on the Rights of the Child protects every child's right to acquire a nationality and to be registered immediately after birth. International law makes provision for the acquisition of citizenship for children born stateless in a state's territory. If this fundamental principle was respected by all states, no child would be born stateless.

We call on States to protect every child's right to a nationality and to achieve universal and immediate birth registration, including for children of refugees, foreigners, stateless persons, minorities, and children born outside legal marriage. States should also ensure each parent's independent right to obtain birth certificates for their children, regardless of gender and marital status.

6. The New York Declaration explicitly recognises statelessness as a root cause of forced displacement, and forced displacement in turn as a root cause of statelessness.

States should ensure that addressing statelessness is fully mainstreamed and integrated into work to implement the Global Compact on Refugees.

7. Many stateless persons are subject to prolonged and even indefinite detention on removal grounds, while no country is willing to accept them.

We call on States to implement identification, screening and determination procedures to ensure stateless people are not detained and ensure statelessness determination procedures are linked to permanent options to resolve an individual's status, in line with the 1954 Statelessness Convention.

8. Data and statistical information on statelessness continues to be scarce, with stateless refugees, IDPs, and stateless Palestinians excluded from UN statelessness statistics.

We urge States to engage in comprehensive, disaggregated data collection on statelessness; and the UN to improve its statistical reporting methodology.

There are known, often-simple actions that can be taken to address statelessness. However, as only States can provide citizenship, the ultimate responsibility to eliminate this human-made tragedy lies with States.

We underscore and remain hopeful that statelessness can be eradicated through the commitment of States to uphold international human rights and humanitarian law and to implement UNHCR's Global Action Plan to End Statelessness. We will work with you in this critical effort.

A detailed version of this statement is available on icvanetwork.org

Thank you